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AUTHOR Carmack, William  
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## ABSTRACT

The successful experience of the Tlingit-Haida Native Americans in dealing with the Bureau of Indian Affairs (BIA) to develop self-determination is an instructive case study. Although the Federal BIA gave verbal encouragement to the tribes to assume their own program responsibilities, the tribes encountered continual blunting tactics from local BIA employees in Juneau who stood to be replaced by tribal members. The tribes had to appeal to the Washington level of the BIA on several occasions to deal with those problems. A second major difficulty was communication among the tribes since the villages are accessible only by boat, sea plane, and unreliable telephone service. However, in many areas, including housing and employment, the self-determination strategy of the Tlingit-Haida tribes has been highly effective. It may be the model for other tribes in adopting a policy of self-determination. (TJ)

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COMMUNICATION AND SELF-DETERMINATION:

SOCIAL CHANGE AMONG  
THE TLINGIT-HAIDA TRIBES

By

WILLIAM CARMACK  
PROFESSOR, DEPARTMENT OF COMMUNICATION  
UNIVERSITY OF OKLAHOMA

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The Tlingit-Haida Indian tribes of Alaska provide an interesting case for the study of the role of communication in planned social change. In this paper I propose to describe the experiences of the Tlingit-Haida since 1971 in attempting to achieve independence from Bureau of Indian Affairs control. I will highlight the strategies the tribes employed, some of the blunting tactics utilized by the Federal government, and the current situation of the two tribes. However, first it will be useful to review briefly the historic relationship between the Federal government through the Bureau of Indian Affairs and the various Indian communities and reservations throughout the United States.

With an advanced apology for over-simplification in such a brief historic review of Federal-Indian relations, let me try to characterize those relations in four phases. First, it was the policy of the Federal government to conquer the indigenous people of the continent. As a matter of fact, the Bureau of Indian Affairs, the oldest bureau in the entire government, was founded as the Indian Service in the War Department 25 years before the Department of the Interior came into existence.

Following this unsuccessful first strategy, the Federal government adopted a policy of designating specific land areas as Indian reservations and negotiating, tribe by tribe, treaties offering inducements to the tribes to relocate to the reservations.

These treaties ushered in the third phase of Federal-Indian relations - - that of the provision of specified services for the

Indian peoples by the Federal government. Although these treaties differ in detail, basically they commit the Government to the education, health care and general welfare of the Indian people who occupy the reservations. In response to this charge the government has developed a vast bureaucracy in the Bureau of Indian Affairs exceeding 15,000 employees throughout the Western states and over 600 in Washington at the administrative level.

The phase of provision of services by the Federal government had a very detrimental affect on the integrity and responsibility of tribal governments. Because a wide range of services, well over twenty, were provided from the outside with almost no consideration of local preferences, tribal governments eroded away with relatively little to do except maintain tribal roles and conduct limited tribal business. Thus, the administrative intrastructure of the tribes tended to atrophy.

Reservations were governed by a Superintendent who reported to one of eleven Area Directors throughout the United States. The Area Directors were in turn responsible to the Commissioner of Indian Affairs in the Department of the Interior. Tribes had little or nothing to say about who their governing Superintendent might be, what strategies he might impose upon the reservation, or what persons would be brought in to administer the services. Although the Bureau of Indian Affairs has claimed for years that a majority of its employees are Native Americans themselves, in point of fact, until quite recently the jobs accorded to Native Americans were at the laboring and non-policy level.

Over the years, it became increasingly clear that the provision of services from outside based on national policies not cognizant of the many cultural differences and needs of the Indians throughout the United States was a non-viable policy. Gradually, the fourth and current phase of Federal-Indian relations began, the strategy of self-determination.

Although the strategy of self-determination was most recently spelled out in detail in the Indian Education and Self-Determination Act, the Bureau had experimented with the concept of local control of services for several years on a limited basis. A recent Bureau assessment of the first year of attempted implementation of the Indian Self-Determination Act is very dismal and disappointing. Although many policy makers in Washington assumed that the Indian tribes would rally immediately to take full advantage of the Act, relatively few tribes have. The widespread reluctance by tribes to experiment with the Act is a direct result of the disastrous period of the 1950's in which Indians call the Period of Termination.

Without laboring the details of termination strategy, the Congress instructed the Bureau of Indian Affairs to list, in order, tribes sufficiently educated and acculturated to stand alone without Federal assistance. The two most famous debacle of the termination years are the Klamaths of Montana and the Minnomies of Minnesota. In terminating these fairly sophisticated tribes, the Government overlooked that their land was trust land. Thus, the tribes had no tax base to provide for their social, educational and health needs. In addition to these conspicuous examples, the Government

terminated over 50 smaller reservations, principally in California. Other reservations were divided into individual allotments and divided among tribal members. With the encouragement of the local Superintendent and the Bureau of Indian Affairs, many of the tribal members bargained away their land often for grossly inadequate compensation. The result is that less than two percent of the United States today is Indian land.

These bitter and unfortunate experiences have instilled in Indians, almost universally throughout the nation, a fear that every newly articulated Bureau policy is nothing more than a disguised attempt at withdrawal of funds and services. The 1950's "Period of Termination" is the largest single inhibitor to the implementation of the concept of self-determination.

The concept of self-determination recognizes the treaty rights to funds of the Government for Indian services. However, the concept also recognizes that where possible the actual administration of these services can be performed locally by Indian people under contract with the Bureau of Indian Affairs. Thus, the Bureau hopefully, will gradually recede into the role of a technical assistance and the tribes will increasingly assume the responsibility of their own services through the contract route.

The Tlingit-Haida Indian tribes of southeast Alaska are probably by far the most outstandingly successful group implementing the concept of self-determination, and I wish to focus on their experiences.

Their first effort at negotiations with the BIA began in February, of 1971. There they encountered what was to be a pattern

of Federal response to the contracting strategy throughout the nation. At the National or policy level they were given every verbal encouragement to assume their own program responsibilities. At the local or agency level in Juneau blunting tactics were used by the Bureau to prevent the success of the contract strategy.

In fairness to the Bureau of Indian Affairs, it should be noted here that at the National level there is probably a serious and honest commitment toward self-determination through contracting. The resistance and interference with the self-determination process typically occurs at the local level where Federal employees stand to be replaced by tribal employees. The approach to the Tlingit-Haida tribes was typical of the approach of local Superintendents of the Bureau to other tribes inquiring about their rights under the contract concept. It was emphasized repeatedly that the local people were not yet ready to administer the complex services provided by the Bureau. The tribes were reminded that there were no highly trained administrators among most of the tribes and that the tribes lacked local legal expertise.

This strategy has been effective in frustrating the efforts on the part of the vast majority of tribes to take over their own programs. In essence, the Bureau's typical presentation is: "We favor contracting services to local communities, but only after they are prepared with their own resources to administer programs." The obvious fallacy in this is not apparent to most tribes. By and large, the argument has been accepted, and the tribes have settled for tokenism such as contracts to collect garbage, contracts to drive school buses and the like.

The Tlingit-Haida on the other hand realized that their prime problem was in the area of source credibility. Their response to this, was to seek outside expertise. They realized that it mattered relatively little who actually administered the specific programs provided that administrator realized that he reported to a local tribal council not to an Area Director hundreds of miles away. In order to place negotiations with the Bureau on more equal footing, the Tlingit-Haida hired in the legal field, Richmond Allen of Washington D.C. who was the former Indian solicitor in the Department of the Interior and is among the Nation's most knowledgeable people in the field of Indian law. In the field of accounting, the tribes hired the firm of Ernst and Ernst, one of the largest accounting organizations in the U.S., as their consultants in fiscal matters. Because I had served as Assistant Commissioner of the BIA during the years that the contract concept materialized, I was retained by the tribes as the Federal contract consultant. Thus, the tribes professional advisors did serious damage to the local BIA claim that the Tlingit-Haida were incompetent to administer programs.

The next Federal ploy was to challenge the legality of the contracting authority of the Tlingit-Haida's Central Council.

The Tlingit-Haida people are located in approximately 40 communities on islands ranging from Juneau down the entire southeast coast of Alaska. The Central Council is elected on a per capita basis of representatives from each community and is the only governing organization truly representative of the tribes. At the statewide level there is an Alaska Native Federation which is a loose

confereracy of participating Aleut, Eskimo, and Indian people scattered throughout the entire state. In addition, in a few communities there are corporations organized under the Indian Reorganization Act. These corporations obviously represent only single villages and were formed primarily for the purpose of facilitating borrowing to enter business ventures (primarily fish-canneries).

The Tlingit-Haida's Central Council maintained that it was the sole duly elected representative governing body for the tribes. The Bureau's counter claim was that each community could legitimately contract services independent of the Central Council and that the statewide organization itself was an appropriate contract bidder. The Central Council's response was a generous one. Although they had a lengthy legal opinion indicating that they were the sole representative governing body of the Tlingit-Haida, they agreed to enter into competitive bidding for the programs with any organization the Bureau deemed appropriate. As it happened, no other organization except the Central Council proposed a contract. Thus, the Bureau in effect was forced to deal with the Central Council initially.

Having won the right to negotiate contracts for particular services, the next serious communication problem the Central Council and the Bureau faced was rumor. A number of BIA employees who had previously rendered services to the Southeast agency were fearful that the new administrative arrangement through the Tlingit-Haida Central Council would jeopardize their positions. Again, the Central Council dealt with this problem in an extremely

generous way. They convened a meeting of all BIA Southeast agency employees, congratulated them for their diligence in service, and offered to employ each of them in his present capacity as employees of the Central Council. Most accepted this proposal and a few exercised their rights under Federal Civil Service regulations to be reassigned as BIA employees in other locations.

Although I could enumerate a large number of specific attempts on the part of the Juneau BIA Office to frustrate the progress of the administration of programs by the Central Council, one or two examples will suffice. The most notable is the fact that reimbursement was not made available to the tribes for expenditures in performance of the contract services for the first seventeen months of the contract. The tribes' response was to borrow \$170,000 from a commercial bank in Juneau and carry out its contracted programs. After finally realizing that there was little hope for effective communication with the local Bureau Office, the tribes communicated directly to Washington, which in turn instructed the local office to make prompt reimbursement.

It was decided between the Bureau and the Central Council that an annual audit should be held covering not only fiscal matters but the quality of program delivery. To date five such audits have been completed. The primary focus on the audits have involved housing construction and improvement, employment assistance (including direct placement and adult vocational training), higher education grants, and social services, (including child welfare and general assistance).

The review teams consisted of four individuals, two appointed by the area BIA Office and two appointed by the tribes. Although the Area Office has in every case appointed its own employees, some who had previously worked as Federal employees in the Southeast Agency, the Tlingit-Haida selected independent outside evaluators.

The evaluations are long and detailed, but can be fairly summarized by the generalization that more has been accomplished on a quantitative and qualitative basis since the Central Council began its administration of the programs as compared with the previous years of BIA administration. On three occasions the review teams have visited villages and conducted interviews at the local level. All of the review reports stress the pride that the local people feel in self-administration.

One general conclusion has appeared in every review report. That has to do with the problem of communication between the Juneau Area Office and the Tlingit-Haida Central Council. Virtually all of the decisions involving conflict between these two organizations have had to be adjudicated at the Washington level. On two occasions committees from the Central Council have been forced to go to Washington to meet with the Commissioner or his representatives. Although the Central Council has been reluctant to involve political pressure, there have been occasions in which it has been necessary to seek the assistance of the two Senators from Alaska, in expediting Bureau commitments.

A continuing problem that the tribes face in administering the program services is communication with the villages. Since they are assessable only by boat or sea plane and telephone service is either unavailable or extremely unreliable, it has been difficult for the tribes to communicate program innovations in villages accustomed to long years of BIA administration. However, there have been notable improvements. For example, in the employment assistance program it was the strategy of BIA to relocate native Alaskans to the lower forty-eight for training and subsequent employment. On the other hand, the tribes, when they obtained control of this program, reversed this trend to the extent that 90% of those served under employment assistance funds were employed in Alaska.

A second notable success has been in the area of housing improvement. It had been previously the practice of the Area Housing Officer in Juneau to designate a specific number of new homes to be built in villages of his selection. Because the financial appropriation for housing is low, the tribes adopted a completely new program strategy. They organized in each community housing improvement committees and, rather than specify numbers of new units which might amount to three or four per village, they intrusted the local housing committee with the entire sum of money allocated for that community. Many of these committees have opted to rehabilitate deteriorating homes rather than incur the expense of new construction. Further, they have objectively prioritized categories of individuals who receive housing assistance funds. For example, in most communities the elderly hold highest priority. Those with no

income fall into a high priority category and so forth. The villages are highly supportive of this approach, and individuals can understand why their needs must be deferred in the interest of others.

I could continue at length with modifications in program strategy in such areas as higher education, welfare, child services, and the like but these are intended to be illustrative of the program strategy changes enacted under the leadership of the Central Council.

Each review has also contained a fiscal audit. In no case has it been demonstrated by the BIA that the handling of funds or the management of services is inferior under tribal control.

On numerous occasions, the Executive Committee of the Tlingit-Haida Central Council has deliberated seriously about the wisdom of continuing to fight for self-determination through contracting. At times, it has appeared almost impossible, but their persistence appears to have been finally rewarding. In several respects, the Tlingit-Haida experience could be a model for other Indian tribes and communities.

First, the Indian people cannot realistically look to the BIA at the local levels for substantial assistance. Secondly, it is critical that members of tribal councils and their constituents understand in detail the difficulties involved in the utilization of the Self-Determination Act. This is of course, a communication problem locally. Thirdly, the BIA is now undergoing a complete reorganization which will necessitate closer communication between policy makers in Washington and service personnel in the field. Further, since communication has been identified as the critical

factor in the success of the Tlingit-Haida experience, it is important that other tribes realize that the greater the use of local groups and committees, the clearer will be the understanding of program strategies and tactics and the more likely the success of the programs.

From my bias the historic problem of Federal government in its relationship to Native Americans is nearer a fair solution than it has ever been. If the Government continues to honor its treaty obligations financially, and if the tribes will utilize their own resources in tailoring programs to meet local needs, the Federal contractual and treaty agreements to Indian people can be honored without the erosion of local leadership and the exclusion of local participation in program planning and administration.

Although, as I have indicated, there is anxiety and reluctance on the part of many tribes to adopt a policy of self-determination, the example of the Tlingit-Haida may offer some reassurance and provide a useful precedent.